



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

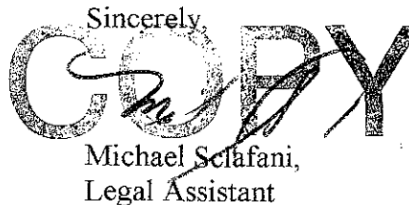
November 19, 2004

Mr. Paul Villemaire, President  
C & M Screw Machine Products, Inc.  
32 Executive Drive  
Hudson, NH 03051

Re: Docket No. AF 04-092 – C & M Screw Machine Products, Inc.

Dear Mr. Villemaire:

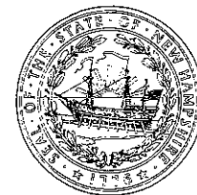
Enclosed for your records is a copy of the Administrative Fine by Consent Agreement in the above-captioned matter executed by Anthony P. Giunta, P.G., Waste Management Division Director, and accepted by Commissioner Michael P. Nolin on November 19, 2004. On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,  
  
Michael Scialfani,  
Legal Assistant

cc: Anthony P. Giunta, P.G., Director, DES Waste Management Division  
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit  
Linda Birmingham, DES WMD  
DES Public Information Officer



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**Department of Environmental Services**



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Commissioner

C & M Screw Machine Products, Inc.  
32 Executive Drive  
Hudson, NH 03051

**ADMINISTRATIVE FINE  
BY CONSENT**

**No. AF 04-092**

**I. INTRODUCTION**

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and C & M Screw Machine Products, Inc., pursuant to RSA 147-A:17-a. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

**II. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("Division"), is a duly constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive, Concord, NH.
2. C & M Screw Machine Products, Inc. ("C & M") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on February 18, 1981. C & M has a mailing address of 32 Executive Drive, Hudson, NH.

**III. BACKGROUND**

1. Pursuant to RSA 147-A, the Department of Environmental Services ("DES") regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted Env-C 610 and Env-C 612 to establish the schedule of fines for such violations.
3. C & M is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on December 8, 1986. EPA Identification Number NHD095511218 was assigned to C & M's site located at 32 Executive Drive, Hudson, NH.

4. On October 7, 2003 and November 7, 2003, DES personnel inspected C & M for compliance with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, DES issued Administrative Order No. WMD 04-01 ("Order") to C & M on January 7, 2004. Based on the violations observed during the inspection listed above, DES believes that an administrative fine is appropriate in this case for the Class I violations.

#### **IV. ALLEGATIONS, ADMINISTRATIVE FINES**

1. Specifically, the Order cited C & M for failing to conduct waste determinations on three (3) waste streams (*i.e.*, waste lamps, spent petroleum naptha, and the spent aqueous parts washer), as required by Env-Wm 502.01 ("Violation 1"). Env-C 612.05(a) authorizes a fine of \$1,500 per determination not made, for a potential fine of \$4,500.

2. Specifically, the Order cited C & M for failing to close one (1) 55-gallon container of hazardous waste speedi-dry located in the "Storage Area", as required by Env-Wm 507.01(a)(3) ("Violation 2"). Env-C 612.06(c)(1) authorizes a fine of \$400 for each container that is 55-gallons or greater.

3. Specifically, the Order cited C & M for failing to mark two (2) 55-gallon containers of hazardous waste located in the "Storage Area" with the beginning accumulation date, as required by Env-Wm 507.03(a)(1)a. ("Violation 3"). Env-C 612.06(k) authorizes a fine of \$250 for each container that is 55-gallons or greater, for a potential fine of \$500.

4. Specifically, the Order cited C & M for failing to mark the two (2) 55-gallon containers of hazardous waste in located in the "Storage Area" with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number, as required by Env-Wm 507.03(a)(1)b., c., and d. ("Violation 4"). Env-C 612.06(l) authorizes a fine of \$600 for each container that is 55-gallons, for a potential fine of \$1,200.

5. Specifically, the Order cited C & M for failing to conduct inspections of the one (1) hazardous waste "Storage Area" for three (3) years, as required by Env-Wm 509.02(a)(1) ("Violation 5"). Env-C 612.07(a) authorizes a fine of \$1,000 per inspection per area per week, for a potential fine of \$156,000. For settlement purposes only, DES is seeking a fine for failing to conduct inspections at the hazardous waste storage area for twenty-five (25) weeks. DES is thus seeking a penalty of \$25,000 (*i.e.*, twenty-five (25) inspections at \$1,000 each).

6. Specifically, the Order cited C & M for failing to conduct initial hazardous waste training for three (3) employees (*i.e.*, one (1) primary and two (2) alternate emergency coordinators) with hazardous waste management duties, as required by Env-Wm 509.02(a)(2) ("Violation 6"). Env-C 612.07(b) authorizes a fine of \$1,750 per individual not trained for initial training, for a potential fine of \$5,250.

7. Specifically, the Order cited C & M for failing to have a hazardous waste contingency plan on-site, as required by Env-Wm 509.02(a)(5) ("Violation 7"). Env-C 612.07(e) authorizes a fine of \$2,000.

8. Specifically, the Order cited C & M for failing to post an emergency phone posting at the nearest telephone to the "Storage Area", as required by Env-Wm 509.02(b) ("Violation 8"). Env-C 612.07(h) authorizes a fine of \$1,000 per area.

9. Specifically, the Order cited C & M for failing to mark one (1) 55-gallon container of used oil in the "Storage Area" with the words "Used Oil for Recycle" as required by Env-Wm 807.06(b)(4) ("Violation 9"). Env-C 612.10 (a)(1), which references Env-Wm 807.06(b)(2), modified in August 2000 to Env-Wm 807.06(b)(4), authorizes a fine of \$100 for each container that is 55-gallons or greater.

10. Specifically, the Order cited C & M for failing to conduct an adequate used oil determination for two (2) used oil waste streams (*i.e.*, used hydraulic/cutting oil and used water-soluble coolant), as required by Env-Wm 807.06(b)(7) ("Violation 10"). Env-C 612.10(c) which references Env-Wm 807.06(b)(4), modified in August 2000 to Env-Wm 807.06(b)(7), authorizes a fine of \$750 per determination not made, for a potential fine of \$1,500.

#### **V. PAYMENT, WAIVER OF HEARING**

1. The Division agrees to waive fines associated with Violations 1, 2, 9, and 10 because they are not Class I violations.

2. The Division believes the following fines are appropriate for Violations 5 through 8, which are Class I violations.

- a. \$500 for Violation 3;
- b. \$1,200 for Violation 4;
- c. Violation 5 is a Class I Violation. For settlement purposes only, DES is seeking a fine of \$2,000 for failing to conduct one (1) inspection at the one (1) hazardous waste storage area;
- d. \$5,250 for Violation 6;
- e. \$2,000 for Violation 7;
- f. \$1,000 for Violation 8.

3. DES agrees to suspend an additional \$5,975 contingent on C & M committing no violations of statutes or rules implemented by DES for a period of two (2) years from the effective date of this Agreement. If C & M is found to have violated this condition, regardless of when the

determination is made, a pro-rated portion of the suspended fine shall be immediately due and payable without opportunity for hearing, in addition to any penalty that may be imposed for the new violations(s).

4. Upon compliance by C & M with the conditions specified in Section V. Paragraph 3, DES will waive the associated fine amount.

5. C & M agrees to pay \$5,975 within the next six (6) months as follows:

- a. \$1,000 of the fine shall be due and payable upon execution of this Agreement by C & M.
- b. \$4,975 of the fine shall be paid in five equal payment of \$995 due on the first of each month beginning December 1, 2004 and ending with the last payment due on April 1, 2005.

6. Payment under Section V. Paragraph 5 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and shall be mailed to:

DES Legal Unit  
Attn: Michael Sclafani, Legal Assistant  
PO Box 95  
Concord, NH 03302-0095

7. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

8. By executing this Agreement, C & M waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

9. The effective date of this Agreement will be the date on which it is signed by an authorized representative of C & M, and the Director of the Waste Management Division, and the Commissioner of DES.

10. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

**C & M SCREW MACHINE PRODUCTS, INC.**

**COPY**

By: Paul Villemare, President  
Duly Authorized

11-10-04  
Date

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**COPY**

Anthony P. Giunta, P.G., Director  
Waste Management Division

11/17/04  
Date

**COPY**

Michael P. Nolin, Commissioner

11 19 04  
Date